## **ATTORNEY DOCKET NO. 10030722-1**

AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Antellectual Property Administration P. Q. 8ox 7599

Loverand, Colorado 80537-0599

APR 16 2009

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Invertor(s): Jayati Ghosh et al.

Serial No.: 10/763,645

Examiner: Amara Abdi

Group Art Unit: 2624

Filing Date: January 22, 2004

Title: CLASSIFICATION OF PIXELS IN A MICROARRAY IMAGE BASED ON PIXEL INTENSITIES AND A PREVIEW MODE FACILITATED BY PIXEL-INTENSITY-BASED PIXEL CLASSIFICATION

COMMISSIONER FOR PATENTS P.O. Box 1450

Alexandria VA 22313-1450

## NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, January 13, 2009 , rejecting the following claims 1-9, 11 and 14-20

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

	one month two months three months four months	\$ 120.00 \$ 450.00 \$1020.00 \$1590.00
☐ Th	ne extension fee	has already been filled in this application.

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$500.00 . At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

■ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: April 13, 2009

**OR** 

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: Joanne Bourguigno

Signature:\_

Respectfully submitted,

Jayati Ghosh et al.

Ву

Robert W. Bergstrom
Attorney/Agent for Applicant(s)

Reg. No. 39,906

Date: April 13, 2009

Telephone No. 206.621.1933

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Rev 06/05 (NotaApeal)

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## ATTORNEY DOCKET NO. 10030722-1

Telephone No. 206.621.1933

IN THE UNITED STATES PATEN	NT AND TRADEMARK OFFICE
Inventor(s): Jayati Ghosh et al.	
Serial No.: 10/763,645	Examiner: Amara Abdi
Filing Date: January 22, 2004	Group Art Unit: 2624
Title: CLASSIFICATION OF PIXELS IN A MICROARRAY PREVIEW MODE FACILITATED BY PIXEL-INTEN	
COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria VA 22313-1450	
NOTICE OF APPEAL FROM BOARD OF PATENT APPEA	
Sir: Applicant hereby appeals to the Board of Patent Appeals a dated, January 13, 2009 , rejecting the following claims	and Interferences from the decision of the examiner 1-9, 11 and 14-20
The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500. (complete (a) or (b)	
The proceedings herein are for a patent application and the	e provisions of 37 CFR 1 136(a) apply.
(a) Applicant petitions for an extension of time under 3 number of months checked below:	
☐ one month \$ 120.00 ☐ two months \$ 450.00 ☐ three months \$1020.00 ☐ four months \$1590.00	
The extension fee has already been filled in thi	is application.
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A duplicate copy of this transmittal letter is enclosed.	
	Respectfully submitted,
I hereby certify that this correspondence is being deposited	Jayati Ghosh et al.
with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	By Solet W. Denston
Date of Deposit: April 13, 2009 OR	Robert W. Bergstrom Attorney/Agent for Applicant(s)
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.	Reg. No. 39,906
Date of Facsimile:	Date: April 13, 2009
Typed Name: Joanne Bourguignon	T. I N

Rev 06/05 (NoteApeal)

Signature: